

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

STATE OF CALIFORNIA *et al.*,

Plaintiffs,

V.

RYAN ZINKE *et al.*

Federal Defendants.

CV 17-42-BMM

ORDER

Before the Court is a joint motion of the parties, filed June 1, 2017, requesting an order consolidating this case with civil action number CV 17-30-BMM and setting a single case management schedule for both actions. The Court has reviewed the parties' proposals and hereby enters the following order:

1. For good cause shown, this action, No. CV 17-42-BMM (D. Mont., filed May 9, 2011), is hereby consolidated with *Citizens for Clean Energy et al. v. Zinke et al.* (“*Citizens*”), No. CV 17-30-BMM (D. Mont., filed Mar. 29, 2017), for purposes of briefing and argument, with *Citizens* designated as the lead case, to which all filings shall henceforth be made.
2. Federal Defendants shall file an answer to the complaint by July 18, 2017. Intervenor the State of Wyoming shall file an answer to the

complaint by July 25, 2017. This same deadline shall apply to any additional intervenors who are granted party status by the Court.

3. In regard to the administrative record of the agency action challenged in this case, the following schedule shall apply:

Deadline for Federal Defendants to serve the administrative record on the parties	August 11, 2017
Deadline for any motions to supplement or complete the record	September 22, 2017
Deadline for Federal Defendants to lodge the administrative record with the Court and, if it has been revised, to serve the revised record on the parties	September 29, 2017

4. The following schedule and word limits shall apply to summary judgment briefing:

Opening Brief of Plaintiffs in CV-17-30 (9,000 words)	October 20, 2017
Opening Brief of Plaintiffs in CV-17-42 (9,000 words)	October 20, 2017
Federal Defendants' Cross-Motion and Opposition Brief (12,000 words)	November 17, 2017
Intervenor-Defendant State of Wyoming's Cross-Motion and Opposition Brief, in which prospective Intervenor-Movant State of Montana may join if granted party status (7,000 words)	November 29, 2017

Prospective Intervenor-Movant National Mining Association's Cross-Motion and Opposition Brief, if granted party status (7,000 words)	November 29, 2017
Opposition and Reply Brief of Plaintiff in CV-17-30 (8,000 words)	December 13, 2017
Opposition and Reply Brief of Plaintiffs in CV-17-42 (8,000 words)	December 13, 2017
Federal Defendants' Reply Brief (7,000 words)	January 12, 2018
Intervenor-Defendant State of Wyoming's Reply Brief, in which prospective Intervenor-Movant State of Montana may join if granted party status (4,000 words)	January 19, 2018
Prospective Intervenor-Movant National Mining Association's Reply Brief, if granted party status (4,000 words)	January 19, 2018

5. Because this case calls for review of agency action based on an administrative record, *see* 5 U.S.C. § 706, the parties are hereby relieved of the obligation, set forth in local rule 56.1(a) and (b), of filing Statements of Undisputed Facts and Statements of Disputed Facts in conjunction with summary judgment briefing. Instead, the parties shall provide appropriate factual background in their respective briefs and shall do so within the word limits authorized above.

6. Plaintiffs in civil action CV 17-30-BMM and Plaintiffs in this action will each be permitted separate time for argument at any hearings. Likewise, Federal Defendants, Defendant-Intervenor State of Wyoming, and any additional intervenors who are granted party status by the Court, will each be permitted separate time for argument at any hearings.

DATED this 2nd day of June, 2017.



Brian Morris
United States District Court Judge